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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/710,982 08/16/2004 Makoto Izawa 22040-00037-US1 4981

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CONNOLLY BOVE LODGE & HUTZ LLP
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WASHINGTON, DC 20036

EXAMINER

KHOSHNOODI, NADIA

ART UNIT	PAPER NUMBER
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2137

MAIL DATE	DELIVERY MODE
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12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/710,982

Applicant(s)

IZAWA ET AL.

Examiner

Nadia Khoshnoodi

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments/amendments with respect to amended claims 1-2 and previously presented claims 3-8 filed 9/27/2007 have been fully considered but they are not persuasive. The Examiner would like to point out that this action is made final (See MPEP 706.07a).

Response to Arguments

Applicants contend that Funabe et al. fails to disclose performing an encrypting process and a decrypting process on data "to terminate encryption-based security between the terminal having the encrypting capability and/or the non-encrypting capability." Examiner respectfully disagrees. Funabe et al. teach that within a protocol identifying section, there is a data encrypting/decrypting section which receives data and can change the service type from an encryption service to a non-encryption service (col. 6, lines 57-61). The previous citation suggests that if encryption was used, it can be changed to disallow the encryption, i.e. performing decryption in order to result in non-encryption. In turn, this terminates encryption-based security between a terminal having the encrypting capability and/or the non-encrypting capability (col. 11, lines 14-35). Therefore, Funabe et al. disclose performing an encrypting process and a decrypting process on data to terminate encryption-based security between the terminal having the encrypting capability and/or the non-encrypting capability.

Applicants further contend that Sokol et al. fail to teach/suggest having a function which the data is “to be outputted as it is from another port without being performed any routing process.” Examiner respectfully disagrees. Sokol et al. teach the use of a hub which includes additional card slots, one of which is a 4-port USB controller (par. 27, lines 1-5) as well as an Ethernet port (par. 29). Sokol et al. further suggest that the Ethernet port on the hub can be connected to a LAN in order to provide connectivity between the LAN and an external network (par. 29). Since the hub disclosed in Sokol et al. would modify the terminal disclosed in Funabe et al. to include the hub on the terminal itself in order to output the data through the Ethernet port, i.e. another port, no routing takes place in this process (par. 27 and 29). Furthermore, since no routing process occurs, the encrypted or decrypted data is passed to the data link layer/physical layer without passing said data to a network layer in which routing between networks is controlled. Therefore, Sokol et al. suggest having a function which the data is to be outputted as it is from another port without being performed any routing process.

Finally, since Funabe et al. teach performing an encrypting and decrypting process on data which changes the encryption service type to non-encryption service type to terminate the encryption-based security (col. 6, lines 57-61), and Sokol et al. suggest the use of a hub, i.e. bridge, to output the data through an Ethernet port to a LAN in par. 27, lines 1-5 and par. 29 (where the environment of the invention disclosed in Funabe et al. is also directed towards the use of a LAN), the combination of Funabe et al. and Sokol et al. teach/suggest the features of the claimed invention which Applicants suggest distinguish over the cited prior arts of record. Thus, the Examiner maintains the rejection set forth in the previous office action.

Claim Rejections - 35 USC § 103

I. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

II. **Claims 1-8**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Funabe et al. (US 6,016,350) in view of Sokol et al. (2002/0073212 A1)

Regarding claims 1-3 and 5-8, Funabe discloses an encryption apparatus comprising; having an encrypting capability can be directly or indirectly connected (col. 6, lines 37-43; col. 7, lines 57-66; col. 8, lines 1-3); an encryption/decryption means for performing an encrypting process and a decrypting process on data to terminate encryption-based security between the terminal having encrypting capability (see abstract; col. 6, lines 51-60; col. 7, lines 57-66; col. 8, lines 1-3); and a LAN (the limitation of data passed through a physical and a data link layer is an intrinsic property of a LAN, which operates on the physical and data link layer (col. 21, lines 10-20)).

However Funabe does not disclose a bridge means for allowing data, which has been received with one of the plurality of ports and then on which the encrypting or decrypting process has been performed, to be outputted as it is from another port without being performed any routing process. The general concept of having a bridge means for allowing data, which have been received from the ports on which encryption/decryption has been performed to be outputted without any routing of the data is well known in the art as illustrated by Sokol, which discloses a hub which allow data to be transferred without any routing of the data (par. 0029, lines 1-5; par.

0027, lines 1-10; par. 0034, lines 1-8). Therefore it would have been obvious for one of ordinary skill in the art at the time of the invention to modify Funabe to include the use of a hub (bridge) in order to transmit data without any routing of the process.

Regarding claim 4, Funabe discloses the encryption apparatus according to claim 3, further comprising setting information storage means for storing setting information for controlling the encrypting process and the decrypting process (col. 20, lines 19-51; figure 20 and 21 of the drawings; see figure 2-3 of the), wherein the encryption/decryption means controls the encrypting process and the decrypting process by comparing the setting information stored in the setting information storage means with header information of a data packet of the data received with one of the plurality of ports (see figure 2-3 of the drawings).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Application/Control Number:
10/710,982
Art Unit: 2137

Page 6

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nadia Khoshnoodi whose telephone number is (571) 272-3825.

The examiner can normally be reached on M-F: 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Nadia Khoshnoodi
Examiner
Art Unit 2137
12/19/2007

NK


EMMANUEL L. MOISE
SUPERVISOR/ART UNIT EXAMINER